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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:	
UNIMEX CORPORATION,	Case No.: 20-12535-BFK
Debtor.	Chapter 11 (Subchapter V)
JOLENE E. WEE, PLAN TRUSTEE OF UNIMEX CORPORATION,	Case No.: 22-01058-BFK
Plaintiff,	Adversary Proceeding
v.	
WEIWEI JIAN,	
Defendant.	

**DEFENDANT’S OBJECTION TO PLAINTIFF’S EXHIBITS**

Comes now Weiwei Jian (“Mr. Jian” or the “Defendant”), by and through undersigned counsel, pursuant to this Honorable Court’s Order Continuing Trial (DE #49), and interposes the following objection to the exhibits of Jolene E. Wee, Plan Trustee of Unimex Corporation (the “Trustee” or “Plaintiff”):

Exhibit No. 1 – *Amended Expert Report of Charles H. Stryker, Dated May 19, 2023*: Mr. Jian objects to this exhibit on the basis that it is hearsay not within any recognized exception. *See* Fed. R. Evid. 801. The foregoing notwithstanding, Mr. Jian will withdraw this objection if Charles

H. Stryker is present in court to be cross-examined at trial and is accepted by this Honorable Court as an expert on the matters upon which he has opined.

General Reservation as to Exhibits 2-12, 24-29, 58, and 70-82: Though Mr. Jian does not object to the admissibility of any other exhibit on the Trustee's exhibit list, he does reserve his right to urge that certain exhibits are authentic in nature but set forth information of an unreliable nature and character. Mr. Jian does not dispute that exhibits 2-12, 24-29, 58, and 70-82 are genuine artifacts. And inasmuch as the exhibits may have some marginal tendency to render certain facts "more or less probable," he does not dispute their relevance and resultant admissibility. Fed. R. Evid. 401; Fed. R. Evid. 402. As such, he does not believe it prudent – or an efficient use of this Honorable Court's time, the Trustee's time, or the Trustee's counsel's time – to object to these exhibits on the basis that they set forth information of an unreliable nature. Mr. Jian may, however, urge that these exhibits have little-to-no probative value. Inasmuch as this is a bench trial, he is not concerned about "unfair prejudice, confusing the issues, [or] misleading the jury." Fed. R. Evid. 403. *See also, Gulf States Utilities Co. v. Ecodyne Corp.*, 635 F.2d 517, 519 (5th Cir. 1981) ("The exclusion of this evidence under Rule 403's weighing of probative value against prejudice was improper. This portion of Rule 403 has no logical application to bench trials."); *Schultz v. Butcher*, 24 F.3d 626, 632 (4th Cir. 1994) ("Adopting the position taken in *Gulf States*, we hold that in the context of a bench trial, evidence should not be excluded under 403 on the ground that it is unfairly prejudicial. Under the Federal Rules of Evidence, admissibility of evidence is favored unless the probative value of the evidence is so low as to warrant exclusion when prejudice is a factor. Rule 403 was designed to keep evidence not germane to any issue outside the purview of the jury's consideration. For a bench trial, we are confident that the district court can hear relevant evidence, weigh its probative value and reject

any improper inferences.”) (citing Jack B. Weinstein and Margaret A. Berger, Weinstein's Evidence § 403[03] (1993)); *Multi-Med. Convalescent & Nursing Ctr. of Towson v. N. L. R. B.*, 550 F.2d 974, 978 (4th Cir. 1977) (“In the trial of a nonjury case, it is virtually impossible for a trial judge to commit reversible error by receiving incompetent evidence, whether objected to or not.”) (quoting 2B W. Barron & A. Holtzoff, Federal Practice and Procedure § 268 (Wright ed. 1961)).

Respectfully submitted,

Dated: December 17, 2023

/s/ Maurice B. VerStandig  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of December 2023, a copy of the foregoing was served via this Honorable Court’s CM/ECF system, with a copy to:

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/s/ Maurice B. VerStandig, Esq.  
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